

Message Text

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R 052204Z SEP 73

FM SECSTATE WASHDC

TO AMEMBASSY NEW DELHI

INFO AMCONSUL CALCUTTA

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E.O. 11652: N/A

TAGS: BGEN, IN, US

SUBJ: TECHNICAL COLLABORATION, MARLEY CO. AND

PAHARPUR COOLING TOWERS

1. DONALD W. MEEKER, GENERAL COUNSEL, MARLEY CO., CALLED DEPT. SEPT. 5 OUTLINE PROBLEMS MARLEY HAVING IN RE-NEGOTIATING TECHNICAL COLLABORATION AGREEMENT WITH PAHARPUR. OLD AGREEMENT, WHICH HAS BEEN RUNNING FOR TEN YEARS, DUE TO EXPIRE OCTOBER 17. MARLEY HAD PROPOSED TEN YEAR EXTENSION, WITH 5 PERCENT ROYALTIES PAYABLE ON TECHNOLOGY TRANSFER. GOI, HOWEVER, HAD INFORMED PARTIES IT WOULD NOT PERMIT MORE THAN 3 PERCENT ROYALTY. MARLEY HAS SUBMITTED NEW PROPOSAL, UNDER WHICH EXISTING TECHNOLOGY WOULD COST 3 PERCENT ROYALTY, BUT NEW TECHNOLOGY WOULD BE AT 5 PERCENT RATE, WHICH MARLEY SAYS IS FIGURE FOR ALL ITS OTHER INTERNATIONAL COLLABORATIONS AND NEEDED TO JUSTIFY RESEARCH EXPENSE. ALTHOUGH PAMARPUR TELLS MARLEY IT LIKES SUCH AN ARRANGEMENT, GOI HAS SO FAR SHOWN NO SIGN OF BEING WILLING TO APPROVE THIS MODIFIED PROPOSAL, WHICH FACES MARLEY WITH THE PROSPECT OF HAVING NO AGREEMENT AFTER OCTOBER 17. ABSENCE OF AGREEMENT COULD (A) COMPLICATE REPATRIATION OF

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ROYALTIES ON ITEMS ALREADY ORDERED BUT NOT YET SHIPPED;

AND (B) LEAD TO NASTY SQUABBLE WITH PAHARPUR OVER USE OF EXISTING TECHNOLOGY.

2. MEEKER SAID HE WAS CONSIDERING PRESENTING CASE TO INDIAN EMBASSY IN WASHINGTON AND ALSO POSSIBLE TRIP TO NEW DELHI, ALTHOUGH HE SAID PREVIOUS WORKING LEVEL CONTACTS WITH GOI IN DELHI HAD BEEN COURTEOUS, BUT NON-PRODUCTIVE. IN PREPARING PRESENTATION, HE ASKED WHETHER WE COULD SUPPLY INFORMATION ON ANY CASES WHERE GOI HAD ALLOWED ROYALTIES OF MORE THAN 3 PERCENT. ALSO, HE WOULD APPRECIATE INFORMATION ON ANY OTHER FOREIGN AGREEMENTS IN THE COOLING TOWER FIELD OR RELATED INDUSTRIAL AREAS. DEPTOFF SAID HE BELIEVED 3 PERCENT FIGURE CITED BY GOI WAS A GUIDELINE ONLY, AND THAT LEVEL SUBJECT TO NEGOTIATION DEPENDING ON HOW BADLY PARTICULAR TECHNOLOGY DESIRED.

3. ACTION REQUESTED: CAN EMBASSY PROVIDE INFO REQUESTED BY MEEKER PARA TWO? ALSO, WOULD EMBASSY BELIEVE IT USEFUL FOR MEEKER TO VISIT NEW DELHI IN CONNECTION WITH CASE? RUSH

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